cf 2001 (2)
CF 2007

IN THE HIGH COURT OF CHHATTISHGARH AT BILASPUR(C.G.)

WRIT PETITION (C) NO. 285 /2007

PETITIONER: -

1. Ramashankar Singh son of Late Ambika Singh, retired Upper Divisional Clerk aged about 66 years, R/o. Ward No. 17, Manendragarh, Near Vijay Nursery School, Post and Tehsil Manendragarh, Dist. Koria (C.G.)

2. Amresh Singh son of Shri Ramashankar Singh, aged about 38 Yrs. R/o. Ward No. 17, Manendragarh, Near Vijay Nursery School, Post and Tehsil Manendragarh, Dist. Koria (C.G.)

P.R. No. 1194/07
Presented by AK Yadav
dated 9/2/07

VERSUS

RESPONDENT: -

1. State of Chhattisgarh, through The Secretary, Revenue , D.K.S. Bhawan, Mantralaya, Raipur (Chhattisgarh)
2. Collector, Koria Baikunthpur, Dist. Koria (C.G.)
3. Sub-Divisional Officer, Revenue Manendragarh, Tehsil-Manendragarh, Dist-Koria (C.G.)
4. Sub-Divisional Officer, PWD, Manendragarh, Tehsil-Manendragarh, Dist-Koria (C.G.)
5. Tehsildar, Manendragarh, Tehsil-Manendragarh, Dist-Koria (C.G.)

RECEIVED COPY 9/2/07 C.E. K for A.G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(77)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P (S) No. 285 of 2007

Single Bench:Hon'ble Shri Satish K. Agnihotri, J.

Petitioners : Ramashankar Singh and another

Versus

Respondents : State of Chhattisgarh and another

Present: Dr. N.K. Shukla, Senior Advocate with Mr. A.K. Yadav, Advocate for the petitioners.
Mr. Utkarsh Verma, Deputy Govt. Advocate for the State/respondents.

ORDER

(Passed on 22nd Day of February, 2007)

Learned counsel appearing for the petitioners submits that this petition filed under Article 226 of the Constitution of India be treated as the petition under Article 227 of the Constitution of India. It is ordered accordingly.

2. Learned counsel appearing for the petitioners further submits that the petitioners are willing to vacate the premises without prejudice to their rights and contentions in the pending proceedings.

3. Learned counsel appearing for the petitioners, on instructions, submits that the petitioners may be granted four months time to vacate the premises, to which learned counsel appearing for the respondents/State has no objection.

4. Having regard to the facts and circumstances of the case, the prayed is allowed. The petitioners are granted four months time to vacate the disputed premises, subject to filing of an undertaking, stating that the vacant and peaceful possession of the disputed premises shall be handed over to the respondents/State within four months from today.

(78)

5. The petitioners shall in the meantime, not create any third party right or interest in the disputed premises. The said undertaking shall be filed before the Civil Judge Class II, Manendragarh, District-Koria in the matter Civil Suit No. 29A/2006 (Ramashanker Singh Vs. State of Chhattisgarh and others) within a period of three weeks.

6. For the reasons stated hereinabove, the writ petition is disposed of with above stated liberty. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash